

Amendment No. 3 to HB0296

Vaughan  
Signature of Sponsor

**AMEND Senate Bill No. 723**

**House Bill No. 296\***

by deleting SECTION 2 and substituting:

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 120, Part 1, is amended by adding the following as a new section:

(a)

(1) A local government may, by a majority vote of the appropriate local legislative body, adopt an ordinance or resolution allowing the local government to accept electrical inspections, whether residential or commercial, issued by engineers who comply with the following:

(A) For an engineer with a concentration in electrical trades, the engineer is registered in accordance with title 62, chapter 2; or

(B) For an engineer without a concentration in electrical trades, the engineer is registered in accordance with title 62, chapter 2, and certified by the International Code Council in the appropriate field.

(2) In addition to meeting the requirements of subdivision (a)(1)(A) or (B), an engineer shall register as an inspector with the state fire marshal in accordance with this section prior to conducting an inspection.

(3) A local government that votes to accept inspections pursuant to subdivision (a)(1) must comply with the requirements of this section.

(b) An inspection performed by an engineer pursuant to this section must be on a form approved by the state fire marshal or the local government.

(c) A local government, or the appropriate local governmental official or entity, shall review and approve an inspection performed by an engineer pursuant to this section, or provide written notice of any deficiencies, within five (5) business days from the date the inspection was received by the local government or appropriate local governmental official or entity.

(d)

(1) To register with the state fire marshal, an engineer licensed in accordance with title 62, chapter 2, shall submit a completed application, including such information as determined reasonably necessary by the state fire marshal, to the state fire marshal's office.

(2)

(A) The state fire marshal shall publish a list of engineers registered to conduct inspections in accordance with subdivision (d)(1).

(B) An individual registered pursuant to subdivision (d)(1) is responsible for ensuring that all information on file with the state fire marshal is current and correct, including the individual's contact information, proof of current registration under title 62, chapter 2, and current certification by the International Code Council in the appropriate field.

(e)

(1) The state fire marshal shall remove an individual from the list published pursuant to subdivision (d)(2) if the state fire marshal no longer has on file for the individual a current and valid:

(A) Certification from the International Code Council in the appropriate field; or

(B) Registration as an engineer in accordance with title 62, chapter 2.

(2) An individual removed from the list pursuant to subdivision (e)(1) may reapply to be registered and placed on the list again.

(f) The state fire marshal may remove a registrant from the list published pursuant to subdivision (d)(2), or refuse to place an applicant on the list, if the state fire marshal finds that the registrant or applicant has violated this section or a rule promulgated pursuant to this section.

(g) A local government shall not accept an inspection from an engineer who has a conflict of interest. A conflict of interest includes, but is not limited to:

(1) Employment or another affiliation with, or a financial interest in, the individual, firm, or corporation engaged in the construction project to be reviewed or inspected; or

(2) A relationship with a family member or individual involved in the construction project that could create the appearance of impropriety.

(h) A local government that accepts an inspection pursuant to this section shall maintain a record of an inspection performed by an engineer for no less than three (3) audit years. A local government shall maintain, at a minimum, the following records:

(1) The inspection report submitted by the engineer to the local government;

(2) The supporting documentation to the inspection report provided by the engineer to the local government;

(3) The documentation of approval of the inspection report by the local government; and

(4) Any correspondence between the local government and the engineer regarding the inspection and inspection report.

(i) The state fire marshal may promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. SECTION 2 of this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.